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NORRIS, MCLAUGHLIN & MARCUS, P.A.
875 THIRD AVE
18TH FLOOR
NEW YORK NY 10022

In re Application of : DECISION ON PETITION
EBERL, et al. :
U.S. Application No.: 10/596,337 :
PCT No.: PCT/EP04/13920 : UNDER 37 CFR 1.497(d)
Int. Filing Date: 08 December 2004 :
Priority Date: 11 December 2003 :
Atty Docket No.: 101194-100 :
For: HINGE HOUSING FOR DOOR LEAVES WHICH :
ARE MADE AT LEAST IN SOME AREAS FROM:
THIN-WALLED METAL OR METAL HOLLOW :
SECTIONS :

This decision is in response to applicant's "Request For Correction of Inventorship Under 35 U.S.C. §116" filed 19 April 2007 in the United States Patent and Trademark Office (USPTO). The petition is being considered under 37 CFR 1.497(d).

BACKGROUND

On 08 December 2004, applicant filed international application PCT/EP04/13920, which claimed priority of an earlier application filed 11 December 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 23 June 2005. Pursuant to 37 CFR 1.495, the thirty-month period for paying the basic national fee in the United States expired at midnight on 11 June 2006.

On 09 June 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); a preliminary amendment, an English translation of the international application and an information disclosure statement and a declaration.

On 19 April 2007, applicant filed the present petition.

DISCUSSION

A request under 37 CFR 1.497(d) [formally, 37 CFR 1.48] to correct an error in naming inventorship requires:

- (1) a petition including a statement from each person being added or deleted as an inventor that the error in inventorship occurred without any deceptive intention on his or her part;

- (2) an oath or declaration by the actual inventor(s) as required by 37 CFR 1.63;
- (3) the fee set forth in 37 CFR 1.17(h); and
- (4) if an assignment has been executed by any of the original named inventors, the written consent of the assignee in compliance with 37 CFR 3.73(b).

As to Item (1), applicant has provided a statement from Markus Herper declaring that the error in inventorship occurred without deceptive intent.

Regarding Item (2), applicant has filed a combined declaration and power of attorney executed by the inventor listed on the published international application, as well as, Markus Herper.

As Item (3), applicant has provided a petition fee payment of \$130.00.

Regarding Item (4), applicant has provided a statement from the assignees consenting to the addition of Markus Herper as an inventor in the present application.

As such, applicant has satisfied all four items detailed above and it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons discussed above, the request under 37 CFR 1.497(d) is **GRANTED**.

The application is being returned to the United States Designated/Elected Office for further processing in accordance with this decision.



Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459